

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**IN THE ESTATE OF KENNETH V. MYERS, TRUST, DECEASED,  
RESPONDENT**

**vs.**

**KYLE V. MYERS, KENNETH TAYLOR MYERS, CANDY MYERS,  
APPELLANTS**

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DOCKET NUMBER WD75518

DATE: JULY 30, 2013

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Appeal from:

The Circuit Court of Platte County, Missouri  
The Honorable James W. Van Amburg

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Appellate Judges:

Division Four: James E. Welsh, Chief Judge, Victor C. Howard, Judge and Michael Manners,  
Special Judge

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Attorneys:

Keith W. Hicklin, for Respondent

John H. Norton, for Appellants

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**IN THE ESTATE OF KENNETH V. MYERS TRUST, DECEASED, RESPONDENT**

**v.**

**KYLE V. MYERS, KENNETH TAYLOR MYERS, CANDY MYERS, APPELLANTS**

WD75518

Platte County, Missouri

Before Division Four: James E. Welsh, Chief Judge, Victor C. Howard, Judge and Michael Manners, Special Judge

Kenneth Taylor Myers appeals the trial court's judgment denying his motion for summary judgment and granting summary judgment in favor of the Kenneth Veal Myers Trust. Kenneth Taylor Myers challenges the trial court's orders that the Kenneth Veal Myers Trust be terminated, and after the payment of court costs, administration costs, and payment to creditors, that the balance of said trust be distributed to Melanie Myers, based on the court's finding that Melanie Myers was the sole beneficiary of the Kenneth Veal Myers Trust. Kenneth Taylor Myers argues that there is no genuine issue of material fact as to whether he is the sole beneficiary of the assets remaining in the Kenneth Veal Myers Trust, because the Trust designated only \$200,000.00 plus interest for Melanie Myers and the settlement agreement specifically required the balance of the Trust corpus to be paid over to the Loberta Rea Myers Trust, which all parties agree was never done.

**REVERSED AND REMANDED TO TRIAL COURT WITH INSTRUCTIONS.**

**Division Four holds:**

That the trial court erred in granting summary judgment to the Kenneth Veal Myers Trust. On remand, the trial court is to order the termination of the Kenneth Veal Myers Trust and authorize distribution of the balance of the assets therein to the Loberta Rea Myers Trust in accordance with the settlement agreement.

**Opinion by: Victor C. Howard, Judge**

Date: July 30, 2013

<p><b>This summary is <i>UNOFFICIAL</i> and should not be quoted or cited.</b></p>
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